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Attorneys for Defendant Ally Bank

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIELA AGUILAR VELAZQUEZ, on)	Case No. 2:21-cv-02375-MCE-DB
behalf of herself and all others similarly)	
situated,)	
)	STIPULATED REQUEST AND
Plaintiff,)	ORDER FOR REFERRAL
)	TO JUDGE DELANEY FOR
vs.)	SETTLEMENT CONFERENCE AND FOR
)	<u>FURTHER STAY OF CASE DEADLINES</u>
ALLY BANK,)	
)	The Honorable Morrison C. England, Jr.
Defendant.)	
)	
)	

Pursuant to the Court's Initial Pretrial Scheduling Order (ECF No. 3) and the Court's November 7, 2022 Order (ECF No. 29), Defendant, Ally Bank, and Plaintiff, Mariela Aguilar Velazquez (together, the "Parties"), respectfully submit this joint status report and stipulated request for a referral to United States Magistrate Judge Carolyn K. Delaney for a settlement conference.

On January 27, 2022, the Court entered an order granting the Parties' Stipulation and Order Pursuant to Local Rule 144(a) For Extension of Time to Respond to Complaint (ECF No. 11). Subsequently, on March 16, April 22, June 1, July 12, August 23, and November 7, 2022, the Court entered orders granting the Parties' Stipulation and Order to Stay Case Deadlines (ECF Nos. 16, 18, 20, 24, 27, 29) to enable the Parties to engage in settlement discussions and explore resolution of the case without litigation.

The Parties have exchanged further settlement offers and confirmatory discovery, and have made substantial progress towards settlement and believe participation in a settlement conference before Judge Delaney will help facilitate the Parties' efforts to reach a mutual resolution of this action. In addition, the Parties believe that good cause exists for a further extension of the case deadlines, which will conserve the Court's and Parties' resources and allow the Parties further time to discuss a potential settlement and, if necessary, conduct additional confirmatory discovery. Accordingly, the Parties respectfully request that the Court enter an order as follows:

1. The case is referred to Judge Delaney for a settlement conference on January 12, 2023, at 9:30 am, or at Judge Delaney's earliest convenience thereafter. Confidential settlement statements will be submitted to Judge Delaney's Chambers by January 5, 2023, or one week prior to the settlement conference.

2. The case is stayed to enable the Parties to continue to engage in settlement discussions.

3. Defendant's deadline to file a response to the Complaint shall be extended from December 7, 2022 to February 9, 2023; Plaintiff's deadline to file any opposition to the motion shall be March 13, 2023; Defendant's deadline to file any reply in support of the motion shall be April 10, 2023; and the hearing on the motion shall be scheduled for May 4, 2023.

1 4. In the event the Parties continue to make progress towards settlement and
2 require a further stay, the Parties shall submit to the Court an additional joint report concerning the
3 status of the Parties' efforts to resolve the case and requesting a further stay on or before
4 February 2, 2023.

5 5. Nothing in this stipulation is intended, or shall be deemed, to waive or otherwise
6 prejudice any Party's rights, claims, defenses, motions, or objections (whether to jurisdiction, service,
7 or otherwise) in this case.

8
9 Dated: November 21, 2022

Respectfully submitted,

10 /s/ Diane L. McGimsey

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ORDER

The parties' Stipulated Request is GRANTED except for the following modification: This matter is referred to Magistrate Judge Delaney for settlement conference. Not later than fourteen (14) days from the date of this order, the parties are directed to contact Judge Delaney's courtroom deputy for the scheduling of that conference. The parties are further ordered to file a joint status report not later than seven (7) days after the conclusion of the settlement conference.

IT IS SO ORDERED.

Dated: November 28, 2022


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE